

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AUTOMOBILE CLUB OF NEW YORK,
INC. d/b/a AAA NEW YORK and AAA
NORTH JERSEY, INC.,

Plaintiffs,

-against-

THE PORT AUTHORITY OF NEW YORK
AND NEW JERSEY,

Defendant.

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No. 11 Civ. 6746 (RKE) (HBP)
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**SUPPLEMENTAL DECLARATION OF RICHARD W. MARK IN SUPPORT OF
DEFENDANT PORT AUTHORITY'S MOTION FOR SUMMARY JUDGMENT**

Richard W. Mark declares, pursuant to 28 U.S.C. § 1746:

1. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP (“Gibson Dunn”), counsel for Defendant Port Authority of New York and New Jersey (“Port Authority”) in this action brought by Automobile Club of New York Inc. d/b/a AAA New York and AAA North Jersey, Inc. (“AAA”).


2. I submit this Supplemental Declaration in further support of Defendant Port Authority's Motion for Summary Judgment.

3. AAA submitted as Exhibit Q to the Mulry Declaration, executed on August 21, 2015, excerpts of the Port Authority's financial reports, including an excerpt from the Port Authority's 2011 financial report. Attached to this declaration as Exhibit A is a true, correct, and complete copy of the Port Authority's 2011 audited financial report.

4. Attached to this declaration as Exhibit B is a true and correct copy of excerpts from the transcript of the deposition of Michael Fabiano, dated November 29, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: October 9, 2015
 New York, New York


Richard W. Mark